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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MICHAEL MONTGOMERY,

11 Plaintiff,

12 vs.  
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15 WAL-MART STORES, INC.;  
16 KINDERHOOK INDUSTRIES II, LP;  
17 KINDERHOOK INDUSTRIES, LLC;  
18 KINDERHOOK CAPITAL FUND II,  
19 LP; CRESTWOOD HOLDINGS,  
20 INC.; BERGAN, L.L.C.; JOHN  
ELMBURG; ROBERT ELMBURG;  
ERIC ELMBURG; ROCKY FLICK;  
HOME DEPOT U.S.A., INC.; DOES  
1-20, inclusive,

21 Defendants.

CASE NO. 12CV3057 JLS (DHB)

**ORDER (1) GRANTING JOINT  
MOTION TO SUSPEND ALL CASE  
ACTIVITY AS TO DEFENDANTS  
KINDERHOOK INDUSTRIES II,  
LP, KINDERHOOK INDUSTRIES,  
LLC AND KINDERHOOK  
CAPITAL FUND II, LP PENDING  
POTENTIAL SETTLEMENT AND  
RESOLUTION OF ACTION; AND  
(2) CONTINUING STATUS  
CONFERENCE**

(ECF No. 69)

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23 Presently before the Court is the Joint Motion of Plaintiff Michael Montgomery  
24 (“Plaintiff”) and Defendants Kinderhook Industries II, LP, Kinderhook Industries, LLC  
25 and Kinderhook Capital Fund II, LP (collectively, the “Kinderhook Defendants”), to  
26 suspend all case activity as to the Kinderhook Defendants pending potential settlement  
27 and resolution of the action. (ECF No. 69).

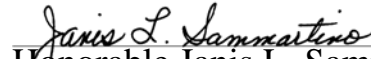
28 Good cause appearing, the Court **GRANTS** the motion. All activity in this  
matter is temporarily suspended as to the Kinderhook Defendants to enable Plaintiff and

1 the Kinderhook Defendants to conclude their settlement by seeking the Bankruptcy  
2 Court's approval of the terms and conditions of the parties' Term Sheet outlining a  
3 potential settlement.

4 Furthermore, the status conference in this matter, currently set for August 2, 2013  
5 is re-set for November 7, 2013 at 1:30 p.m.

6 **IT IS SO ORDERED.**

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8 DATED: July 31, 2013

9   
10 Honorable Janis L. Sammartino  
11 United States District Judge  
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